

The Honorable Richard A. Jones

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

BLACK LIVES MATTER SEATTLE-KING
COUNTY, ABIE EKENEZAR, SHARON
SAKAMOTO, MURACO KYASHNA-
TOCHA, ALEXANDER WOLDEAB,
NATHALIE GRAHAM, AND ALEXANDRA
CHEN,

Plaintiffs,

vs.

CITY OF SEATTLE,

Defendant.

No. 2:20-CV-00887 RAJ

DEFENDANT'S ANSWER AND
AFFIRMATIVE DEFENSES TO
PLAINTIFFS' COMPLAINT

Defendant City of Seattle ("Defendant"), by and through its attorneys of record, submits its
Answer and Affirmative Defenses to Plaintiffs' Complaint as follows:

I. INTRODUCTION

1. This Paragraph states legal conclusions to which no response is required. To the
extent a response is required, Defendant DENIES this Paragraph as phrased. Defendant ADMITS
that Plaintiffs bring a Complaint against Defendant.

DEFENDANT'S ANSWER AND AFFIRMATIVE DEFENSES TO
PLAINTIFFS' COMPLAINT - 1
2:20-CV-00887 RAJ

Peter S. Holmes
Seattle City Attorney
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1 2. This Paragraph states legal conclusions to which no response is required. To the extent
2 a response is required, Defendant DENIES this Paragraph as phrased. To the extent the allegations
3 of Paragraph 2 seek to paraphrase or characterize the contents of a written document, the document
4 speaks for itself and the Defendant denies the allegations to the extent that they are inconsistent with
5 that document. Defendant ADMITS that the article referenced in footnote 2 of Plaintiffs' Complaint
6 contains the following language referenced in Paragraph 2 of Plaintiffs' Complaint. Defendant
7 ADMITS that Plaintiffs seek injunctive relief.

8 3. Defendant ADMITS that news reports support Plaintiffs' position.

9 4. Defendant ADMITS that news reports support Plaintiffs' position.

10 5. Defendant ADMITS that news reports support Plaintiffs' position. This Paragraph
11 states legal conclusions to which no response is required.

12 6. Defendant lacks sufficient information to admit or deny the allegations in this
13 Paragraph. Defendant ADMITS that news reports support Plaintiffs' position. Further, this
14 Paragraph states legal conclusions to which no response is required.

15 7. Defendant lacks sufficient information to admit or deny the allegations in this
16 Paragraph as phrased. Defendant ADMITS that news reports support Plaintiffs' position.

17 8. Defendant lacks sufficient information to admit or deny the allegations in this
18 Paragraph and therefore DENIES them.

19 9. Defendant ADMITS the allegations set forth in this Paragraph in part. Defendant
20 admits that demonstrators have gathered to protest against widespread systematic injustices against
21 Black people and other people of color.

22 10. This Paragraph states legal conclusions to which no response is required. To the
23 extent a response is required, Defendant DENIES this Paragraph as phrased.

1 11. This Paragraph states legal conclusions to which no response is required. To the
2 extent a response is required, Defendant DENIES this Paragraph as phrased. Defendant ADMITS
3 that the DOJ Settlement Agreement referenced in footnote 3 of Plaintiffs' Complaint can be found
4 at the URL referenced in footnote 3 of Plaintiffs' Complaint.

5 12. Defendant DENIES this Paragraph.

6 13. Defendant lacks sufficient information to admit or deny the allegations in this
7 Paragraph as to Plaintiffs' intent and motivation. Defendant DENIES the remaining allegations in
8 this Paragraph as phrased. Further answering, Defendant ADMITS that Plaintiffs seek injunctive
9 relief.

10 **A. SPD's "Less-Lethal" Weapons and "Crowd Control" Arsenal**

11 14. To the extent the allegations of Paragraph 14 seek to paraphrase or characterize the
12 contents of a written document, the document speaks for itself and the Defendant denies the
13 allegations to the extent that they are inconsistent with that document.

14 15. Defendant DENIES this Paragraph as phrased. Defendant ADMITS that in June
15 2020, SPD used crowd management tools.

16 16. Defendant DENIES this Paragraph as phrased. Defendant ADMITS that SPD
17 officers used crowd management tools, including CS gas and oleoresin capicum spray.

18 17. Defendant DENIES this Paragraph.

19 18. Defendant DENIES this Paragraph as phrased.

20 19. Defendant DENIES this Paragraph as phrased.

21 20. Defendant lacks sufficient information to admit or deny the allegations in this
22 Paragraph. To the extent a response is required, Defendant ADMITS that the articles referenced in
23 Paragraph 20 of Plaintiffs' Complaint can be found at the URLs referenced in footnotes 5, 6 and 7

1 of Plaintiffs' Complaint. To the extent the allegations of Paragraph 20 seek to paraphrase or
2 characterize the contents of a written document, the document speaks for itself and the Defendant
3 denies the allegations to the extent that they are inconsistent with that document

4 21. Defendant lacks sufficient information to admit or deny the allegations in this
5 Paragraph. To the extent a response is required, Defendant ADMITS that the articles referenced in
6 Paragraph 21 of Plaintiffs' Complaint can be found at the URLs referenced in footnote 8, 9 and 10
7 of Plaintiffs' Complaint. To the extent the allegations of Paragraph 21 seek to paraphrase or
8 characterize the contents of a written document, the document speaks for itself and the Defendant
9 denies the allegations to the extent that they are inconsistent with that document.

10 22. Defendant lacks sufficient information to admit or deny the allegations in this
11 Paragraph. To the extent a response is required, Defendant ADMITS that the article referenced in
12 Paragraph 22 of Plaintiffs' Complaint can be found at the URL referenced in footnote 11 of
13 Plaintiffs' Complaint. To the extent the allegations of Paragraph 22 seek to paraphrase or
14 characterize the contents of a written document, the document speaks for itself and Defendant
15 denies the allegations to the extent that they are inconsistent with that document

16 **B. Heightened Risks of COVID-19 Transmission from Less-Lethal Weapons**

17 23. Defendant lacks sufficient information to admit or deny the allegations in this
18 Paragraph and therefore DENIES them.

19 24. Defendant lacks sufficient information to admit or deny the allegations in this
20 Paragraph and therefore DENIES them. Defendants ADMIT that the website referenced in
21 Paragraph 24 of Plaintiffs' Complaint can be found at the URL referenced in footnote 12 of
22 Plaintiffs' Complaint. To the extent the allegations of Paragraph 24 seek to paraphrase or
23 characterize the contents of a written document, the document speaks for itself and Defendant

1 denies the allegations to the extent that they are inconsistent with that document.

2 25. Defendant lacks sufficient information to admit or deny the allegations in this
3 Paragraph and therefore DENIES them. Defendant ADMITS that the website referenced in
4 Paragraph 25 of Plaintiffs' Complaint can be found at the URL referenced in footnotes 13 and 14 of
5 Plaintiffs' Complaint. To the extent the allegations of Paragraph 25 seek to paraphrase or
6 characterize the contents of a written document, the document speaks for itself and Defendant
7 denies the allegations to the extent that they are inconsistent with that document

8 26. Defendant lacks sufficient information to admit or deny the allegations in this
9 Paragraph and therefore DENIES them. Defendant ADMITS that the website referenced in
10 Paragraph 26 of Plaintiffs' Complaint can be found at the URL referenced in footnote 15 of
11 Plaintiffs' Complaint. To the extent the allegations of Paragraph 26 seek to paraphrase or
12 characterize the contents of a written document, the document speaks for itself and Defendant
13 denies the allegations to the extent that they are inconsistent with that document

14 27. Defendant lacks sufficient information to admit or deny the allegations in this
15 Paragraph and therefore DENIES them.

16 28. Defendant lacks sufficient information to admit or deny the allegations in this
17 Paragraph and therefore DENIES them.

18 **III. PARTIES**

19 29. Defendant DENIES this Paragraph as phrased. Defendant ADMITS that Plaintiffs
20 seek injunctive relief.

21 30. Defendant lacks sufficient information to admit or deny the allegations in this
22 Paragraph and therefore DENIES them.

23 31. Defendant lacks sufficient information to admit or deny the allegations in this

Paragraph and therefore DENIES them.

32. Defendant lacks sufficient information to admit or deny the allegations in this Paragraph and therefore DENIES them.

33. Defendant lacks sufficient information to admit or deny the allegations in this Paragraph and therefore DENIES them.

34. Defendant lacks sufficient information to admit or deny the allegations in this Paragraph and therefore DENIES them.

35. Defendant lacks sufficient information to admit or deny the allegations in this Paragraph and therefore DENIES them.

36. Defendant DENIES this Paragraph as phrased. Defendant ADMITS that the City of Seattle is a municipality within the State of Washington.

III. JURISDICTION AND VENUE

37. This Paragraph states legal conclusions for which an answer is not required.

38. This Paragraph states legal conclusions for which an answer is not required.

IV. FACTUAL ALLEGATIONS

A. Protestors Demonstrating against Police Brutality Are Met with Brutality by the SPD

39. Defendant ADMITS the allegations set forth in this Paragraph.

40. Defendant DENIES this Paragraph as phrased. Defendant ADMITS that SPD officers used crowd management tools. This Paragraph also states legal conclusions for which an answer is not required.

41. Defendant DENIES this Paragraph.

42. Defendant DENIES this Paragraph.

B. Timeline of Excessive Police Force at Protests

43. Defendant DENIES this Paragraph as phrased. Defendant ADMITS that on May 29, 2020, SPD officers used crowd management tools. To the extent the allegations of Paragraph 43 seek to paraphrase or characterize the contents of a written document, the document speaks for itself and Defendant denies the allegations to the extent that they are inconsistent with that document

44. Defendant DENIES this Paragraph as phrased. To the extent the allegations of Paragraph 44 seek to paraphrase or characterize the contents of a written document, the document speaks for itself and Defendant denies the allegations to the extent that they are inconsistent with that document

45. Defendant DENIES this Paragraph as phrased. To the extent the allegations of Paragraph 45 seek to paraphrase or characterize the contents of a written document, the document speaks for itself and Defendant denies the allegations to the extent that they are inconsistent with that document

46. Defendant DENIES this Paragraph as phrased. Defendant ADMITS that the press release referenced in Paragraph 46 of Plaintiffs' Complaint can be found at the URL referenced in footnote 20 of Plaintiffs' Complaint. To the extent the allegations of Paragraph 46 seek to paraphrase or characterize the contents of a written document, the document speaks for itself and Defendant denies the allegations to the extent that they are inconsistent with that document

47. Defendant DENIES this Paragraph as phrased. Defendant ADMITS that the press release referenced in Paragraph 47 of Plaintiffs' Complaint can be found at the URL referenced in footnotes 20 and 21 of Plaintiffs' Complaint. To the extent the allegations of Paragraph 47 seek to paraphrase or characterize the contents of a written document, the document speaks for itself and

1 Defendant denies the allegations to the extent that they are inconsistent with that document

2 48. Defendant DENIES this Paragraph as phrased. To the extent the allegations of
3 Paragraph 48 seek to paraphrase or characterize the contents of a written document, the document
4 speaks for itself and Defendant denies the allegations to the extent that they are inconsistent with
5 that document

6 49. To the extent the allegations of Paragraph 49 seek to paraphrase or characterize the
7 contents of a video, the video speaks for itself and Defendant denies the allegations to the extent that
8 they are inconsistent with that video. Defendant ADMITS that the video referenced in footnote 23 of
9 Plaintiffs' Complaint is one video from one perspective.

10 50. Defendant DENIES this Paragraph as phrased. Defendant ADMITS that on June 2,
11 2020, SPD used crowd management tools. Defendant ADMITS that the video referenced in
12 footnote 24 of Plaintiffs' Complaint is one video from one perspective. Defendant ADMITS that
13 the SPD blotter post referenced in footnote 24 of Plaintiffs' Complaint speaks for itself.

14 51. To the extent the allegations of Paragraph 51 seek to paraphrase or characterize the
15 contents of a written document, the document speaks for itself and Defendant denies the allegations
16 to the extent that they are inconsistent with that document. Defendant ADMITS that the letter from
17 Mariko Lockhart referenced in footnote 25 of Plaintiffs' Complaint can be found at the URL in
18 footnote 25 of Plaintiffs' Complaint.

19 52. To the extent the allegations of Paragraph 52 seek to paraphrase or characterize the
20 contents of a written document, the document speaks for itself and Defendant denies the allegations
21 to the extent that they are inconsistent with that document. Defendant ADMITS that the article
22 referenced in footnote 26 of Plaintiffs' Complaint can be found at the URL in footnote 26 of Plaintiffs'
23 Complaint.

1 53. To the extent the allegations of Paragraph 53 seek to paraphrase or characterize the
2 contents of a written document, the document speaks for itself and Defendant DENIES the allegations
3 to the extent that they are inconsistent with that document. Defendant ADMITS that the article
4 referenced in footnotes 26 and 27 of Plaintiffs' Complaint can be found at the URL in footnote 26 of
5 Plaintiffs' Complaint. The referenced document speaks for itself.

6 54. To the extent the allegations of Paragraph 54 seek to paraphrase or characterize the
7 contents of a written document, the document speaks for itself and Defendant DENIES the allegations
8 to the extent that they are inconsistent with that document.

9 55. Defendant DENIES this Paragraph as phrased.

10 56. Defendant DENIES this Paragraph.

11 57. Defendant DENIES this Paragraph as phrased. To the extent the allegations of
12 Paragraph 57 seek to paraphrase or characterize the contents of a written document or video, the
13 document or video speaks for itself and Defendant denies the allegations to the extent that they are
14 inconsistent with that document or video.

15 58. Defendant DENIES this Paragraph as phrased. To the extent the allegations of
16 Paragraph 58 seek to paraphrase or characterize the contents of a written document or video, the
17 document or video speaks for itself and Defendant denies the allegations to the extent that they are
18 inconsistent with that document or video.

19 59. Defendant DENIES this Paragraph as phrased. Defendant ADMITS that the KOMO
20 news reporters' version of the events of June 6, 2020 can be found at the URL referenced in
21 footnote 32 of Plaintiffs' Complaint. To the extent the allegations of Paragraph 59 seek to
22 paraphrase or characterize the contents of a written document or video, the document or video
23 speaks for itself and Defendant denies the allegations to the extent that they are inconsistent with

1 that document or video.

2 60. Defendant DENIES this Paragraph.

3 61. Defendant DENIES this Paragraph. This Paragraph also states legal conclusions for
4 which an answer is not required.

5 **C. SPD's Claimed Voluntary Ban on Tear Gas**

6 62. Defendant DENIES this Paragraph as phrased. Defendant ADMITS that the article
7 referenced in footnotes 33 and 34 of Plaintiffs' Complaint is a news article reporting on the events
8 of June 5, 2020 and can be found at the URL referenced in footnotes 33 and 34 of Plaintiffs'
9 Complaint. To the extent the allegations of Paragraph 62 seek to paraphrase or characterize the
10 contents of a written document, the document speaks for itself and Defendant denies the allegations
11 to the extent that they are inconsistent with that document.

12 63. Defendant DENIES this Paragraph as phrased.

13 64. Defendant DENIES this Paragraph as phrased. Portions of this Paragraph state legal
14 conclusions for which an answer is not required. To the extent an answer is required, Defendant
15 ADMITS that the videos referenced in footnote 35 of Plaintiffs' Complaint are videos from certain
16 perspectives and can be found at the URL referenced in footnote 35 of Plaintiffs' Complaint. To the
17 extent the allegations of Paragraph 64 seek to summarize or characterize the contents of videos, the
18 videos speaks for themselves and Defendant denies the allegations to the extent that they are
19 inconsistent with the referenced videos.

20 65. Defendant DENIES this Paragraph as phrased. Defendant ADMITS that the press
21 conference referenced in Paragraph 65 of Plaintiffs' Complaint can be accessed at the URL
22 referenced in footnote 36 of Plaintiffs' Complaint. To the extent the allegations of Paragraph 66
23 seek to paraphrase or characterize the contents of a video, the video speaks for itself and Defendant

denies the allegations to the extent that they are inconsistent with that video.

66. Defendant DENIES this Paragraph as phrased. To the extent the allegations of Paragraph 66 seek to paraphrase or characterize the contents of a written document or referenced video, the document speaks for itself and the Defendant denies the allegations to the extent that they are inconsistent with that document or video.

D. The City's Illegal Actions Caused and Are Causing Injuries to Plaintiffs

67. The City DENIES this Paragraph as phrased. To the extent a response is required, Defendant ADMITS that on June 4, 2020, the City of Seattle filed in case 2:12-cv-01282-JLR a Notice to advise the Court that it is withdrawing from the Joint Motion to Terminate Paragraphs 69 – 168 of the Consent Decree (Dkt. 621).

68. This Paragraph states legal conclusions to which no response is required.

69. Defendant lacks sufficient information to admit or deny the allegations in this Paragraph and therefore DENIES them.

70. This Paragraph states legal conclusions to which no response is required. To the extent a response is required, Defendant DENIES this Paragraph.

1. Black Lives Matter Seattle-King County

71. Defendant lacks sufficient information to admit or deny the allegations in this Paragraph and therefore DENIES them.

72. Defendant lacks sufficient information to admit or deny the allegations in this Paragraph and therefore DENIES them. Defendant ADMITS that the press conference referenced in Paragraph 72 of Plaintiffs' Complaint can be accessed at the URL referenced in footnote 38 of Plaintiffs' Complaint

73. Defendant lacks sufficient information to admit or deny the allegations in this

1 Paragraph and therefore DENIES them. Defendant ADMITS that the press conference referenced
2 in Paragraph 73 of Plaintiffs' Complaint can be accessed at the URL referenced in footnote 39 of
3 Plaintiffs' Complaint

4 74. Defendant lacks sufficient information to admit or deny the allegations in this
5 Paragraph as phrased. To the extent a response is required, Defendant ADMITS that the article
6 referenced in footnote 40 of Plaintiffs' Complaint exists.

7 75. Defendant lacks sufficient information to admit or deny the allegations in this
8 Paragraph and therefore DENIES them.

9 76. Defendant lacks sufficient information to admit or deny the allegations in this
10 Paragraph and therefore DENIES them.

11 77. Defendant lacks sufficient information to admit or deny the allegations in this
12 Paragraph and therefore DENIES them.

13 78. Defendant lacks sufficient information to admit or deny the allegations in this
14 Paragraph and therefore DENIES them.

15 **2. Abie Ekenezar**

16 79. Defendant lacks sufficient information to admit or deny the allegations in this
17 Paragraph and therefore DENIES them.

18 80. Defendant lacks sufficient information to admit or deny the allegations in this
19 Paragraph and therefore DENIES them.

20 81. Defendant lacks sufficient information to admit or deny the allegations in this
21 Paragraph and therefore DENIES them.

22 82. Defendant lacks sufficient information to admit or deny the allegations in this
23 Paragraph and therefore DENIES them.

1 83. Defendant lacks sufficient information to admit or deny the allegations in this
2 Paragraph and therefore DENIES them. Defendant ADMITS that on May 30, 2020, SPD used
3 crowd management tools.

4 84. Defendant lacks sufficient information to admit or deny the allegations in this
5 Paragraph and therefore DENIES them.

6 85. Defendant lacks sufficient information to admit or deny the allegations in this
7 Paragraph and therefore DENIES them.

8 86. Defendant lacks sufficient information to admit or deny the allegations in this
9 Paragraph and therefore DENIES them.

10 87. Defendant lacks sufficient information to admit or deny the allegations in this
11 Paragraph and therefore DENIES them.

12 88. Defendant lacks sufficient information to admit or deny the allegations in this
13 Paragraph and therefore DENIES them.

14 89. Defendant lacks sufficient information to admit or deny the allegations in this
15 Paragraph and therefore DENIES them.

16 90. Defendant lacks sufficient information to admit or deny the allegations in this
17 Paragraph and therefore DENIES them.

18 **3. Sharon Sakamoto**

19 91. Defendant lacks sufficient information to admit or deny the allegations in this
20 Paragraph and therefore DENIES them.

21 92. Defendant lacks sufficient information to admit or deny the allegations in this
22 Paragraph and therefore DENIES them.

23 93. Defendant lacks sufficient information to admit or deny the allegations in this

Paragraph and therefore DENIES them.

94. Defendant lacks sufficient information to admit or deny the allegations in this Paragraph and therefore DENIES them.

95. Defendant lacks sufficient information to admit or deny the allegations in this Paragraph and therefore DENIES them.

96. Defendant lacks sufficient information to admit or deny the allegations in this Paragraph and therefore DENIES them.

4. Alexander Woldeab

97. Defendant lacks sufficient information to admit or deny the allegations in this Paragraph and therefore DENIES them.

98. Defendant lacks sufficient information to admit or deny the allegations in this Paragraph and therefore DENIES them.

99. Defendant lacks sufficient information to admit or deny the allegations in this Paragraph and therefore DENIES them.

100. Defendant lacks sufficient information to admit or deny the allegations in this Paragraph and therefore DENIES them.

101. Defendant lacks sufficient information to admit or deny the allegations in this Paragraph and therefore DENIES them.

102. Defendant lacks sufficient information to admit or deny the allegations in this Paragraph and therefore DENIES them.

103. Defendant lacks sufficient information to admit or deny the allegations in this Paragraph and therefore DENIES them.

104. Defendant lacks sufficient information to admit or deny the allegations in this

1 Paragraph and therefore DENIES them.

2 105. Defendant lacks sufficient information to admit or deny the allegations in this
3 Paragraph and therefore DENIES them.

4 106. Defendant lacks sufficient information to admit or deny the allegations in this
5 Paragraph and therefore DENIES them.

6 107. Defendant lacks sufficient information to admit or deny the allegations in this
7 Paragraph and therefore DENIES them.

8 **5. Muraco Kyashna-tochá**

9 108. Defendant lacks sufficient information to admit or deny the allegations in this
10 Paragraph and therefore DENIES them.

11 109. Defendant lacks sufficient information to admit or deny the allegations in this
12 Paragraph and therefore DENIES them.

13 110. Defendant lacks sufficient information to admit or deny the allegations in this
14 Paragraph and therefore DENIES them.

15 111. Defendant lacks sufficient information to admit or deny the allegations in this
16 Paragraph and therefore DENIES them.

17 112. Defendant lacks sufficient information to admit or deny the allegations in this
18 Paragraph and therefore DENIES them.

19 113. Defendant lacks sufficient information to admit or deny the allegations in this
20 Paragraph and therefore DENIES them.

21 114. Defendant lacks sufficient information to admit or deny the allegations in this
22 Paragraph and therefore DENIES them.

23 **6. Alexandra Chen**

1 115. Defendant lacks sufficient information to admit or deny the allegations in this
2 Paragraph and therefore DENIES them.

3 116. Defendant lacks sufficient information to admit or deny the allegations in this
4 Paragraph and therefore DENIES them.

5 117. Defendant lacks sufficient information to admit or deny the allegations in this
6 Paragraph and therefore DENIES them.

7 118. Defendant lacks sufficient information to admit or deny the allegations in this
8 Paragraph and therefore DENIES them.

9 119. Defendant lacks sufficient information to admit or deny the allegations in this
10 Paragraph and therefore DENIES them.

11 120. Defendant lacks sufficient information to admit or deny the allegations in this
12 Paragraph and therefore DENIES them.

13 121. Defendant lacks sufficient information to admit or deny the allegations in this
14 Paragraph and therefore DENIES them.

15 122. Defendant lacks sufficient information to admit or deny the allegations in this
16 Paragraph and therefore DENIES them.

17 123. Defendant lacks sufficient information to admit or deny the allegations in this
18 Paragraph and therefore DENIES them.

19 124. Defendant lacks sufficient information to admit or deny the allegations in this
20 Paragraph and therefore DENIES them.

21 125. Defendant lacks sufficient information to admit or deny the allegations in this
22 Paragraph and therefore DENIES them.

23 126. Defendant lacks sufficient information to admit or deny the allegations in this

1 Paragraph and therefore DENIES them.

2 **7. Nathalie Graham**

3 127. Defendant lacks sufficient information to admit or deny the allegations in this
4 Paragraph and therefore DENIES them.

5 128. Defendant lacks sufficient information to admit or deny the allegations in this
6 Paragraph and therefore DENIES them. To the extent the allegations of Paragraph 128 seek to
7 paraphrase or characterize the contents of a written document, the document speaks for itself and
8 Defendant denies the allegations to the extent that they are inconsistent with that document.

9 129. Defendant lacks sufficient information to admit or deny the allegations in this
10 Paragraph and therefore DENIES them. To the extent the allegations of Paragraph 129 seek to
11 paraphrase or characterize the contents of a written document, the document speaks for itself and
12 Defendant denies the allegations to the extent that they are inconsistent with that document.

13 130. Defendant lacks sufficient information to admit or deny the allegations in this
14 Paragraph and therefore DENIES them. To the extent the allegations of Paragraph 130 seek to
15 paraphrase or characterize the contents of a written document, the document speaks for itself and
16 Defendant denies the allegations to the extent that they are inconsistent with that document.

17 131. Defendant lacks sufficient information to admit or deny the allegations in this
18 Paragraph and therefore DENIES them. To the extent the allegations of Paragraph 131 seek to
19 paraphrase or characterize the contents of a written document, the document speaks for itself and
20 Defendant denies the allegations to the extent that they are inconsistent with that document.

21 **E. The City's Policy, Practice, and Custom**

22 132. Defendant DENIES this Paragraph.

23 133. Defendant DENIES this Paragraph as phrased.

1 134. Defendant DENIES this Paragraph.

2 135. Defendant DENIES this Paragraph as phrased.

3 136. Defendant DENIES this Paragraph as phrased.

4 137. Defendant DENIES this Paragraph.

5 138. Defendant DENIES this Paragraph as phrased.

6 139. This Paragraph states legal conclusions to which no response is required. To the
7 extent a response is required, Defendant ADMITS that the Seattle Times article referenced in
8 footnote 41 of Plaintiffs' Complaint can be found at the URL referenced in footnote 41 of
9 Plaintiffs' Complaint. To the extent the allegations of Paragraph 139 seek to paraphrase or
10 characterize the contents of a written document, the document speaks for itself and Defendant
11 denies the allegations to the extent that they are inconsistent with that document

12 **V. FIRST CAUSE OF ACTION**

13 *Violation of the First Amendment*

14 140. Defendant DENIES this Paragraph.

15 141. Defendant DENIES this Paragraph.

16 142. Defendant DENIES this Paragraph.

17 143. Defendant DENIES this Paragraph.

18 144. Defendant DENIES this Paragraph.

19 145. Defendant DENIES this Paragraph.

20 **VI. SECOND CAUSE OF ACTION**

21 *Violation of the Fourth Amendment*

22 146. Defendant DENIES this Paragraph.

23 147. Defendant DENIES this Paragraph.

VII. PRAYER FOR RELIEF

148. This Paragraph states a prayer for relief, and therefore no answer is required. To the extent an answer is required, Defendant DENIES That Plaintiffs are entitled to relief.

AFFIRMATIVE DEFENSES

1. Defendant reserves the right to amend this Answer to assert additional affirmative defenses, counterclaims or cross claims as may be appropriate based upon future discovery. Nothing contained in this Answer should be construed as a waiver of any such additional defenses.
2. Some Plaintiffs lack standing to bring this action.
3. The City of Seattle cannot be held liable on a *respondeat superior* basis for Plaintiffs' claimed causes of action.
4. Plaintiffs are not entitled to declaratory relief.

WHEREFORE, Defendant respectfully requests that the Complaint be dismissed with prejudice, that it be awarded costs and reasonable attorneys' fees herein, and that it be granted such other and further relief as the Court finds just and equitable.

DATED this 30th day of June, 2020.

PETER S. HOLMES
Seattle City Attorney

By: s/ Ghazal Sharifi
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Attorney for Defendant City of Seattle

CERTIFICATE OF SERVICE

I hereby certify that on June 30, 2020 I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Breanne Mary Schuster ACLU of Washington 901 Fifth Avenue, Suite 630 P.O. Box 2728 Seattle, WA 98111 (206) 624-2184 <i>[Attorneys for Plaintiffs]</i>	(x) Via Email bschuster@aclu-wa.org
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Carolyn S. Gilbert	(x) Via Email

DEFENDANT'S ANSWER AND AFFIRMATIVE DEFENSES TO
 PLAINTIFFS' COMPLAINT - 20
 2:20-CV-00887 RAJ

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6	<i>[Attorneys for Plaintiffs]</i>	
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8		
9	<i>[Attorneys for Plaintiffs]</i>	
10	Joseph M. McMillan PERKINS COIE 1201 3 rd Avenue, Suite 4900 Seattle, WA 98101-3099 (206) 583-8888	(x) Via Email JMcMillan@perkinscoie.com
11		
12	<i>[Attorneys for Plaintiffs]</i>	
13	Nitika Arora PERKINS COIE 1201 3 rd Avenue, Suite 4900 Seattle, WA 98101-3099 (206) 359-3267	(x) Via Email NArora@perkinscoie.com
14		
15	<i>[Attorneys for Plaintiffs]</i>	
16	David A. Perez PERKINS COIE 1201 3 rd Avenue, Suite 4900 Seattle, WA 98101-3099 (206) 359-6767	(x) Via Email DPerez@perkinscoie.com
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20		
21		
22		
23		

1 (206) 398-4025

2 *[Attorneys for Plaintiffs]*

3
4 s/ Jennifer Litfin

Jennifer Litfin, Legal Assistant